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8 *Department of Managed Health Care and the*
California Department of Managed Health Care
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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION
13

14 **GRACE SMITH and RUSSELL**
15 **RAWLINGS, on behalf of themselves and**
16 **all others similarly situated, and**
17 **CALIFORNIA FOUNDATION FOR**
INDEPENDENT LIVING CENTERS, a
California nonprofit corporation,

18 Plaintiffs,

19 v.

20 **MARY WATANABE, in her capacity as**
21 **Director of the California Department of**
22 **Managed Health Care; CALIFORNIA**
23 **DEPARTMENT OF MANAGED HEALTH**
CARE; and KAISER FOUNDATION
HEALTH PLAN, INC.,

24 Defendants.
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Case No. 4:21-cv-07872-HSG

**[PROPOSED] ORDER GRANTING
DEFENDANT DMHC AND DIRECTOR
WATANABE'S MOTION TO DISMISS**

Date: April 28, 2022

Time: 2:00 pm

Dept: Courtroom 2, 4th Floor

Judge: The Honorable Haywood S. Gilliam, Jr.

1 The motion of defendants California Department of Managed Health Care and its Director,
2 Mary Watanabe to dismiss plaintiffs' complaint for lack of subject matter jurisdiction and for
3 failure to state a claim upon which relief may be granted came on for hearing before this Court on
4 April 28, 2022. After consideration of the papers filed in support of and against the motion, the
5 argument of counsel, and all other matters presented to the Court, the motion is GRANTED
6 WITHOUT LEAVE TO AMEND.

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8 IT IS SO ORDERED.

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10 Dated: _____

11 _____
12 The Honorable Haywood S. Gilliam, Jr.
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